



OPERATIONAL BULLETIN: OBO-2022-009

TITLE: Treatment of Goods under the Emergency Measures Regulations

Date of Issue: 2022-02-19	Mode(s): All	Target Audience: POE Officers in Traveller Stream	Area of Interest: National
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Details:

The purpose of this Operational Bulletin (OB) is to clarify authorities to seize or detain goods at the border in relation to the new [Emergency Measures Regulations](#) (EMR) made under the *Emergencies Act*.

It is important to note that the CBSA does not have any new powers to detain or seize goods under the EMR as it does not include a provision that prohibits the importation of goods (specific goods or a general category of goods). Therefore, the same framework as before applies in respect of the treatment of goods being imported. Pursuant to section 101 of the *Customs Act*, border services officers (BSO) may temporarily detain goods until they are satisfied that the goods have been dealt with in accordance with the Act or any other Act of Parliament, and regulations made under those Acts.

Section 5 of the EMR states:

A person must not, directly or indirectly, use, collect, provide make available or invite a person to provide property to facilitate or participate in any assembly referred to in subsection 2(1) or for the purpose of benefiting any person who is facilitating or participating in such an activity.

When there is enough evidence discovered at the border that an activity prohibited under s. 5 of the EMR has been committed (e.g. collecting property for the purpose of benefiting any person who is facilitating or participating in a **prohibited** assembly), and that the officer wants to validate whether the importation of the goods at issue is prohibited under s. 355.3 of the *Criminal Code*, an officer can use the power under s. 101 of the *Customs Act* to detain the goods to confirm whether the importation is prohibited or not.

Section 101 is intended as a temporary detention until the officer is satisfied that the goods can be imported in accordance with any Act of Parliament, or its regulations, which may include s. 355.3 of the *Criminal Code* together with s. 5 of the EMR. In the case of a *Criminal Code* prohibition, it is not the BSO who makes the

determination on whether not the goods are being imported in accordance with any Act – BSOs should confirm with the local police of jurisdiction whether the importation is prohibited or not.

Refer to the People Procession Manual, [Detention and Abandonment of Goods, Part 5 Chapter 7](#) for more guidelines.

Background

For more information on the EMR as well as how they relate to the entry of persons, please see:

[Operational bulletin: OBO-2022-007](#)

Options under the *Immigration and Refugee Protection Act* (IRPA) and Regulations when dealing with foreign nationals subject to *Emergency Measures Regulations*

[Operational bulletin: OBO-2022-008](#)

Prohibition on entry for foreign nationals seeking to participate in a prohibited public assembly

Actions required by BSOs

- BSOs should exercise enhanced vigilance and closely examine goods accompanying travellers entering Canada for the purposes of participating in a public assembly when indicators raise concerns that this may be a prohibited public assembly .
- With respect to the EMR, detain goods under section 101 only within the parameters as expressed in this bulletin.

Actions required by Superintendents

- Superintendents are requested to discuss the guidance found in this OB with their teams to ensure that all staff are aware of their authorities in relation to the EMR.
- Ensure BSOs are following the above guidance as described in this OB.
- Report all enhance vigilance examinations, especially if goods are detained in relation to EMR.

Contact information

Questions related to the POE examination and detention of goods should be sent to the regional Corporate, Programs and Integration Management Divisions, which (if required) will then send an email to the Operational Guidance Division's generic

inbox ops_travellers-voyageurs@cbsa-asfc.gc.ca.

Approved by:

Marsel Muka, Director (a)
Operational Guidance Division
Travellers Operational Guidance and Support Directorate, Travellers Branch

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Updated:

Additional bulletins:

http://atlas/bulletins/bso-asf/index_eng.asp

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